

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL, 8027 AFT-NEW HAMPSHIRE,
AFL-CIO, et al.,

Plaintiffs,

V.

Case No. 1:21-cv-1077-PB

FRANK EDELBLUT, in his official capacity only as the Commissioner of the New Hampshire Department of Education, et al.,

Defendants.

ASSENTED-TO MOTION TO EXTEND DEADLINES

The defendants, by and through the Office of the Attorney General, submit the following assented-to motion to extend the remaining briefing deadlines in this case:

1. On March 22, 2022, the Court approved the parties' agreed-upon schedule for briefing the defendants' motion to dismiss in this case.
2. The parties met the first two deadlines set in that schedule: the defendants filed an omnibus motion to dismiss on March 25 and the plaintiffs filed their objections to that motion on May 20.
3. The defendants' reply and the plaintiffs' surreply are currently due June 10 and July 1, respectively.
4. The defendants' request that these deadlines be extended.
5. Counsel for the defendants in this case is also counsel for the State of New Hampshire in three redistricting lawsuits that were recently filed in state court. *See Norelli v.*

Secretary of State, New Hampshire Supreme Court, No. 2022-0184 (filed in superior court March 31, 2022; original jurisdiction invoked April 11, 2022); *Petition of City of Dover*, New Hampshire Supreme Court, No. 2022-0249 (filed May 3, 2022); *Brown v. Secretary of State*, Hillsborough County Superior Court – Southern District, No. 226-2022-CV-00181 (filed May 9, 2022).

6. While two of those actions have, at least for the time being, been resolved, the *Brown* matter remains pending in superior court. On June 3, the superior court held a status conference in relation to a motion for a preliminary injunction filed by the plaintiffs in that case. *See Brown*, No. 226-2022-CV-00181 (June 3, 2022 Order).¹ Following that conference, the superior court canceled the preliminary injunction hearing then scheduled for June 13 and directed the parties to file proposed interlocutory transfer statements by June 10. *See id.*

7. The redistricting litigation generally, and in particular the competing June 10 deadline in the *Brown* matter, have required undersigned counsel to divert time and attention that would otherwise have been devoted to finalizing the defendants' reply in this matter by the June 10 deadline. The defendants believe that under the circumstances, good cause exists to extend the deadlines in this case.

8. The defendants accordingly request that their reply deadline in this case be extended by two weeks to June 24. The plaintiffs, through their respective counsel, assent to this request. The plaintiffs have indicated that they would like their surreply deadline to be extended to July 22. The defendants assent to this request, and in the interests of efficiency incorporate that extension into this motion.

¹ A copy of this order is attached for the Court's convenience as **Exhibit A**.

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Extend the deadlines for reply and surreply briefs in this matter to June 24 and July 22, respectively ; and
- B. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

FRANK EDELBLUT, in his official capacity
as Commissioner of the Department of
Education,

JOHN M. FORMELLA, in his
official capacity only as Attorney General
of the State of New Hampshire,

AHNI MALACHI, in her official capacity as
Executive Director of the Commission for
Human Rights,

CHRISTIAN KIM, in his official capacity as
Chair of the Commission for Human Rights,

and

KENNETH MERRIFIELD, in his official
capacity as Commissioner of the Department of
Labor

By their attorney,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: June 10, 2022

/s/ Samuel Garland
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Certificate of Service

I hereby certify that a copy of the foregoing was served on all counsel of recording using the Court's electronic-filing service.

/s/ Samuel Garland
Samuel R.V. Garland